



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

Javin Moore
Superintendent
Southern California Agency
Bureau of Indian Affairs
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Re: Request for Comment – La Posta Band of Mission Indians Assertion of Authority to Administer Provisions of the Clean Water Act

Dear Superintendent Moore:

The United States Environmental Protection Agency, Region 9 (EPA) is requesting comments on the La Posta Band of Mission Indians' (the Tribe) application for treatment in a similar manner as a state (TAS) under Section 518 of the Clean Water Act (CWA). EPA's approval of the TAS application would allow the Tribe to: (1) adopt, review, and revise water quality standards for submission to EPA, and (2) certify that discharges comply with applicable water quality standards for surface waters within the exterior boundaries of the Reservation, pursuant to CWA Sections 303(c) and 401. The Tribe's reservation consists of approximately 3556 acres in San Diego County.

The Tribe is basing its TAS jurisdictional assertion on the Congressional delegation of authority to Indian tribes that seek to regulate water quality within the borders of their reservations (See EPA Final Interpretive Rule, 81 Fed. Reg. 30183 (May 16, 2016) for EPA's conclusion that the CWA includes an express delegation of authority by Congress to Indian tribes to administer regulatory programs). In its application, the Tribe asserts there are no issues that may affect its ability to effectuate the delegated authority. Enclosed is a copy of the Tribe's TAS application, which includes the Tribe's assertion of authority, as prepared by the legal counsel for the Tribe, and a map of the geographical area of assertion.

The State of California, the United States Bureau of Indian Affairs, the United States Forest Service, the Campo Band of Mission Indians and the Manzanita Band of the Kumeyaay Nation have been identified as "appropriate governmental entities" and are receiving notice of the opportunity to comment directly to EPA on the Tribe's assertion of authority. See 40 CFR 131.8(c)(2). EPA recognizes that city and county governments and other interested parties may also wish to comment and, therefore, a public notice has been placed in Alpine Sun announcing the Tribe's TAS application. Public notice will also occur via additional means. The notice requests that interested parties obtain a copy of the Tribe's assertion of authority by contacting EPA and that written comments be submitted to EPA and the following State representative:

Ms. Gita Kapahi
Director of Public Participation
State Water Resources Control Board
1001 I Street, 25th Floor
Sacramento, California 95814

Should you have any comments, please transmit them within 30 days from receipt of this letter to Licia Maclear. Due to the current Shelter in Place situation please send comments via email to Maclear.Licia@epa.gov. If you have any questions or wish to discuss this further, please contact me at (415) 947-8700 or refer your staff to Ms. Maclear at (415) 972-3161.

Sincerely,

John W. Busterud
Regional Administrator

Enclosures: La Posta Band of Mission Indians CWA 303/401 Application